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RIGHTS OF THE CHILD

Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[7 March 1996]

1. The Convention on the Rights of the Child has firmly prohibited, among other heinous crimes committed against children, the conscription of children into armed formations. We applaud the Committee on the Rights of the Child for exerting tangible efforts targeting amelioration of children's conditions. We fully support its proposal in the draft Optional Protocol to raise the minimum age-limit for military recruits from 15 years to 18 years old.

2. A few countries headed by the United States and Great Britain raised objections to the proposed increase in the age-limit. In reality, the proposed increase is in line with the general characteristic of majority age as stated in article 1 of the Convention on the Rights of the Child. The African Charter on the Rights and Welfare of the Child provides in article 22 (2) that "States parties to the present Charter shall take all necessary measures to ensure that no child shall take a direct part in hostilities and (shall) refrain, in particular from recruiting any child". The term "child" is defined by article (2) of the Charter as covering those who are under 18 years old. In addition, the majority of countries which have laws setting a minimum age-limit for military recruits specify 18 years or above as the minimum admissible age group. This is also the minimum age-limit recommended by Ms. Graça Machel, the United Nations expert on the impact of armed conflicts on children, in her study (see E/CN.4/1996/110).

3. The proposed Optional Protocol also contains a number of compromise phrases which have the effect of negating the main purpose of this instrument (see E/CN.4/1996/102). These are centred on the use of unclear language to justify the so-called voluntary recruitment of under-18s or their indirect involvement in hostilities through their use in military support activities. The purpose of this Optional Protocol is to provide further protection to children; therefore, it should use clear language which prohibits recruitment of children under the age of 18 years and their participation in hostilities, whether directly or indirectly. We appeal to all these countries who raised objections to be inspired by the spirit of the African Charter and accord due regard to the recommendation put forward by Ms. Machel.

4. We are also of the opinion that the Committee on the Rights of the Child should be amply empowered to initiate investigation of any claims reporting the recruitment of children under 18 years into armed forces or their involvement in armed hostilities. The Committee should be technically and financially empowered to act as a monitoring body for this important instrument because without the means of implementation, the proposed Optional Protocol would not be truly effective to achieve the target goals.

5. We encourage the working group to come out with its final version of the Optional Protocol at the earliest time, because this issue is too urgent and too crucial to be delayed. While the proposed Optional Protocol, if adhered to and respected, would help change the destiny of millions of young people as far as formal armed forces are concerned, the ever-increasing recruitment of children in guerrilla and informal militia groups remains a real challenge that needs more complex, grass-roots and comprehensive solutions.

6. In recognition of the devastating role of armed conflicts on children, the United Nations General Assembly at its forty-eighth session, by means of resolution 48/157 entitled "Protection of children affected by armed conflicts", requested the Secretary-General to appoint an expert to undertake a comprehensive study of the question. Ms. Graça Machel is the expert in charge of a team of highly competent experts appointed to undertake the study. We commend Ms. Machel on her excellent work and fully support her recommendations. We believe that this excellent study provides a solid base for the international community to build on necessary instruments for the maximum possible protection of children. It is widely stated that some children wish to participate voluntarily in armed hostilities. However, we disagree with this statement. This claim is utterly irrelevant. Children's participation in hostilities should always be looked at as forced, no matter what drives them to make such a decision, because they are the most vulnerable and dependent segment of society and on many occasions they are not able to take sane decisions on their own.

7. The World Federation of Democratic Youth (WFDY) is preoccupied by the fact that the majority of countries, whether developed or developing, force young people into military service. Punitive clauses are usually applied to deserters or conscientious objectors without proper consideration of the moral or ideological reasons prohibiting them. We express our support for conscientious objectors and believe that it is wrong to compel youngsters to

perform military service. We commend the French Government for its decision to abandon obligatory military service by the year 2002, and we encourage all other Governments to consider taking similar measures.

8. During times of armed conflicts, some Governments resort to primitive methods to secure young military recruits in defiance of some fundamental rights to which youth is entitled. Startling examples can be given from many parts of the world. We are deeply concerned that some Governments also use mindless battle tactics such as the "human waves", etc. which have very high casualty rates. Unfortunately, young recruits always incur disproportionate causalities due to their lack of experience, poor training and the manipulation to which they fall victim.

9. In December 1994, the military Government in Sudan made public its intention to form 1 million-man-strong army. This boast turned out to be a failure. Consequently, the Government has had to resort to draconian measures amounting to pressganging of likely young men on the streets of major towns in what is locally known as "Kasha" or round-up, and forcibly recruiting them. Since April 1995 and throughout the year, the government military and paramilitary Public Defence Forces (PDF) have rounded up thousands of youths and forcibly recruited them, almost in complete chaos. Roadblocks have been set up in residential areas and on transport routes to abduct young men. Contrary to our previous beliefs, we came to know that abducted recruits were being flown directly to the war zones in south Sudan and the Nuba Mountains for hasty training and speedy dispatch to the battlefields. Contrary to the present Government's complete disregard for international customary law, in the past military service in Sudan was conducted on a semi-voluntary basis within universally accepted standards.

10. To gain military victory and overrun positions held by the rebel Sudanese People's Liberation Army (SPLA) which is fighting a guerrilla war in south Sudan, the Government is increasingly using all notorious battle tactics including human waves which, coupled with the heavy indoctrination programmes of the young recruits as well as the poor training and their inexperience, have put the causality rates among its ranks at very high levels. Such practices have extremely frightened youth and members of their families. The sight of the military or PDF roadblocks has become a new weapon of terror against youth in the Sudan. Families are increasingly hiding their sons at home or accompany them in public. Many young men have broken limbs or injured themselves as they jumped from moving vehicles to avoid military roadblocks. For instance, Mr. Osman Bashir Abuaggla (28 years), a university graduate, died in a training camp near Khartoum. He was conscripted on 19 November 1995 and died on 24 November 1995. The authorities claimed that the reason for his death was a heart attack. His family confirmed that he did not suffer any serious health problems.

11. Since October 1995 the situation has become even more dangerous. General El Beshir declared a general military mobilization and ordered the immediate conscription of all eligible persons. Young men born between 1960 and 1978 were especially targeted and aggressive raids of abduction and forced conscription were launched against them. Except for enrolled students, no one is exempted. This was accompanied by a horrendous spate of human rights violations as the government forces stormed houses (usually during the early

hours of the morning) and abducted youths. Parents who failed to hand over their sons were harassed and insulted. Some were briefly detained and threatened with longer detention periods. Within its ongoing programme, the Government plans to forcibly deploy at least 200,000 combatants.

12. The Government does not respect the age-limit set by its own legislation. Children as young as 15 years have been forced to join the PDF. We confirm that children of all ages are systematically being abducted by the government forces. In its lust to secure sources of cheap and ruthless fighters, as well as for domestic services, government forces regularly sweep through villages in the war zones and shanty towns on the outskirts of urban areas to abduct and detain children. These children belong to families of pure African descent displaced by the ongoing war from their original homelands in southern and western Sudan. After abduction, the children are herded into concentration camps where they have to undergo Islamic indoctrination programmes, Arabization and military training.

13. Aware of the criticism of their own records on child abuse, the main guerrilla factions in Sudan, the SPLA-Mainstream and the SSIM, have agreed to abide by the principles enshrined in the Convention on the Rights of the Child. This is the first time that guerrilla groups have pledged to uphold children's rights. Following the agreement, UNICEF has begun an extensive education campaign to promote awareness of the need and obligation to protect children. It is anticipated that the commitments of the guerrilla groups and UNICEF's advocacy campaign will encourage the release of children from their armies. We strongly call for further international consolidation of similar initiatives.

14. WFDY will participate in efforts to reunite children with their families in southern Sudan. It is estimated 20,000 children have been separated from their families during the 13-year-old armed conflict in the Sudan. About 11,000 unaccompanied children are living in refugee camps in Uganda and Kenya. More than 4,500 continue to live in southern Sudan, unable to return home because of the continuing insecurity, and thousands of children have been orphaned.